



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/08/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7868 of 2020

1. Kalusulingam @ Kundu Kalusu
2. Karuppasamy
3. Selvam
4. Gopi
5. Arivukumar ... Petitioners/Accused Nos.2,8,9,11 & 15

Vs

State Rep.by
The Inspector of Police,
Keelarajakularaman Police Station,
Keelarajakularaman,
Virudhunagar District.
Crime No.85 of 2019

... Respondent/Complainant

For Petitioners: M/s.M.Thirunavukkarsu,
Advocate.

For Respondent : Mr.K. Suyambulinga Bharathi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

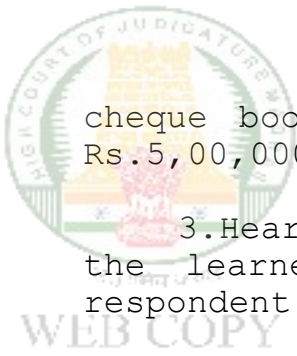
PRAYER :-

For Anticipatory Bail in Crime No. 85 of 2019 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners who are arrayed as A-2, A-8, A-9, A-11 & A-15 apprehending arrest at the hands of the respondent police for the offences punishable under sections 406, 420 & 381 of I.P.C., in Crime No.85 of 2019 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the Manager of Premier Mills, Chathirapatti and the petitioners herein and other accused who are employees worked under the defacto complainant. The allegation is that the petitioners and other accused said to have entered criminal conspiracy and stolen filled



cheque book and unfilled cheque book of Canara Bank and cash of Rs.5,00,000/-from the Mill. Hence, the complaint.

3.Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent.

4.The learned counsel appearing for the petitioners would submit that A-1 was released on bail on condition to deposit a sum of Rs.2 lakhs and so far as these petitioners there is no allegation against them and they have been falsely implicated in this case. Hence, he seek anticipatory bail.

5.The learned Government Advocate (Crl. Side), on instructions, submitted that all the accused have conspired together and stolen Rs.5 lakhs and the said amount not recovered from the accused so far. He further submitted that A-1 released on bail on condition that he should deposit a sum of Rs. 2 lakhs and he has also deposited the same.

6.Considering the rival submissions and on perusal of the First Information Report, it would seen that A-1 said to have taken Rs.1 lakh and all these petitioners have shared each Rs.35,000/- (Rupees Thirty Five Thousand Only) and hence, these petitioners have also shared the stolen amount, and hence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Rajapalayam, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only)each with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners are directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, to the credit of Crime No.85 of 2019 on the file of the respondent police.

(c) the petitioners shall report before the respondent police as and when required for interrogation.

(d)the petitioners shall not tamper with evidence or witness service court in investigation or trial;



(e) the petitioners shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

(g) if the accused/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
05/08/2020

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE, RAJAPALAYAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.
3. THE INSPECTOR OF POLICE,
KEELARAJAKULARAMAN POLICE STATION,
KEELARAJAKULARAMAN, VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7868 of 2020
Date : 05/08/2020

MS/JC/SAR-2/12.08.2020/3P.5C